

1 (a) Administer the 4th grade examination adopted or approved by the state
2 superintendent under sub. (1) to all pupils attending the 4th grade in the private
3 school under s. 118.62.

4 (b) Administer the 8th grade examination adopted or approved by the state
5 superintendent under sub. (1) to all pupils attending the 8th grade in the private
6 school under s. 118.62.

7 (c) Administer the 10th grade examination adopted or approved by the state
8 superintendent under sub. (1) to all pupils attending the 10th grade in the private
9 school under s. 118.62.

10 (d) Administer to pupils attending the private school under s. 118.62 all other
11 examinations in reading, mathematics, and science that are required to be
12 administered to public school pupils under 20 USC 6311 (b) (3).

13 **SECTION 2488h.** 118.30 (2) (b) 1. of the statutes is amended to read:

14 118.30 (2) (b) 1. If a pupil is enrolled in a special education program under
15 subch. V of ch. 115, the school board, operator of the charter school under s. 118.40
16 (2r), governing body of the private school participating in the program under s.
17 118.60, governing body of the private school participating in the program under s.
18 118.62, or governing body of the private school participating in the program under
19 s. 119.23 shall comply with s. 115.77 (1m) (bg).

20 **SECTION 2488L.** 118.30 (2) (b) 2. of the statutes is amended to read:

21 118.30 (2) (b) 2. According to criteria established by the state superintendent
22 by rule, the school board, operator of the charter school under s. 118.40 (2r),
23 governing body of the private school participating in the program under s. 118.60,
24 governing body of the private school participating in the program under s. 118.62, or
25 governing body of the private school participating in the program under s. 119.23

1 may determine not to administer an examination under this section to a
2 limited-English speaking pupil, as defined under s. 115.955 (7), may permit the
3 pupil to be examined in his or her native language, or may modify the format and
4 administration of an examination for such pupils.

5 **SECTION 2488p.** 118.30 (2) (b) 6. of the statutes is created to read:

6 118.30 (2) (b) 6. Upon the request of a pupil's parent or guardian, the governing
7 body of a private school participating in the program under s. 118.60 shall excuse the
8 pupil from taking an examination administered under sub. (1t) (a) to (c).

9 **SECTION 2488pm.** 118.30 (2) (b) 7. of the statutes is created to read:

10 118.30 (2) (b) 7. Upon the request of a pupil's parent or guardian, the governing
11 body of a private school participating in the program under s. 118.62 shall excuse the
12 pupil from taking an examination administered under sub. (1v) (a) to (c).

13 **SECTION 2488m.** 118.30 (5) of the statutes is created to read:

14 118.30 (5) Beginning in the 2014-15 school year, the department shall ensure
15 that benchmark assessments are administered to pupils annually under this section
16 prior to the administration of summative assessments under this section.

17 **SECTION 2488m.** 118.30 (5m) of the statutes is created to read:

18 118.30 (5m) When determining the percentage of pupils participating in the
19 program under s. 119.23 who performed at designated proficiency levels on the
20 examinations administered as required under sub. (1s), the department shall
21 consider only the pupils participating in the program under s. 119.23 to whom the
22 examinations were administered at each grade level, and shall exclude from
23 consideration those pupils participating in the program under s. 119.23 who were
24 excused from taking the examinations under sub. (2) (b) 5.

25 **SECTION 2488q.** 118.33 (1) (f) 2g. of the statutes is created to read:

1 118.33 (1) (f) 2g. The governing body of each private school participating in the
2 program under s. 118.62 shall develop a policy specifying criteria for granting a high
3 school diploma to pupils attending the private school under s. 118.62. The criteria
4 shall include the pupil's academic performance and the recommendations of
5 teachers.

6 **SECTION 2488r.** 118.33 (1) (f) 2r. of the statutes is created to read:

7 118.33 (1) (f) 2r. The governing body of each private school participating in the
8 program under s. 118.60 shall develop a policy specifying criteria for granting a high
9 school diploma to pupils attending the private school under s. 118.60. The criteria
10 shall include the pupil's academic performance and the recommendations of
11 teachers.

12 **SECTION 2488u.** 118.33 (1) (f) 3. of the statutes is amended to read:

13 118.33 (1) (f) 3. Beginning on September 1, 2005, neither a school board nor an
14 operator of a charter school under s. 118.40 (2r) may grant a high school diploma to
15 any pupil unless the pupil has satisfied the criteria specified in the school board's or
16 charter school's policy under subd. 1. or 2. Beginning on September 1, 2010, the
17 governing body of a private school participating in the program under s. 119.23 may
18 not grant a high school diploma to any pupil attending the private school under s.
19 119.23 unless the pupil has satisfied the criteria specified in the governing body's
20 policy under subd. 2m. The governing body of a private school participating in the
21 program under s. 118.60 may not grant a high school diploma to any pupil attending
22 the private school under s. 118.60 unless the pupil has satisfied the criteria specified
23 in the governing body's policy under subd. 2r. The governing body of a private school
24 participating in the program under s. 118.62 may not grant a high school diploma to

1 any pupil attending the private school under s. 118.62 unless the pupil has satisfied
2 the criteria specified in the governing body's policy under subd. 2g.

3 **SECTION 2488v.** 118.33 (6) (cg) of the statutes is created to read:

4 118.33 (6) (cg) 1. The governing body of each private school participating in the
5 program under s. 118.62 shall adopt a written policy specifying criteria for promoting
6 a pupil who is attending the private school under s. 118.62 from the 4th grade to the
7 5th grade and from the 8th grade to the 9th grade. The criteria shall include the
8 pupil's score on the examination administered under s. 118.30 (1v) (a) or (b), unless
9 the pupil has been excused from taking the examination under s. 118.30 (2) (b); the
10 pupil's academic performance; the recommendations of teachers, which shall be
11 based solely on the pupil's academic performance; and any other academic criteria
12 specified by the governing body of the private school.

13 2. The governing body of a private school participating in the program under
14 s. 118.62 may not promote a 4th grade pupil who is attending the private school
15 under s. 118.62 to the 5th grade, and may not promote an 8th grade pupil who is
16 attending the private school under s. 118.62 to the 9th grade, unless the pupil
17 satisfies the criteria for promotion specified in the governing body's policy under
18 subd. 1.

19 **SECTION 2488y.** 118.33 (6) (cr) of the statutes is created to read:

20 118.33 (6) (cr) 1. The governing body of each private school participating in the
21 program under s. 118.60 shall adopt a written policy specifying criteria for promoting
22 a pupil who is attending the private school under s. 118.60 from the 4th grade to the
23 5th grade and from the 8th grade to the 9th grade. The criteria shall include the
24 pupil's score on the examination administered under s. 118.30 (1t) (a) or (b), unless
25 the pupil has been excused from taking the examination under s. 118.30 (2) (b); the

pupil's academic performance; the recommendations of teachers, which shall be based solely on the pupil's academic performance; and any other academic criteria specified by the governing body of the private school.

2. The governing body of a private school participating in the program under s. 118.60 may not promote a 4th grade pupil who is attending the private school under s. 118.60 to the 5th grade, and may not promote an 8th grade pupil who is attending the private school under s. 118.60 to the 9th grade, unless the pupil satisfies the criteria for promotion specified in the governing body's policy under subd. 1.

SECTION 2489. 118.35 (4) of the statutes is amended to read:

118.35 (4) From the appropriation under s. 20.255 (2) (fy), the department shall award grants to nonprofit organizations, cooperative educational service agencies, institutions within the University of Wisconsin System, and the school district operating under ch. 119 for the purpose of providing ~~advanced curriculum and assessments for~~ to gifted and talented pupils those services and activities not ordinarily provided in a regular school program that allow such pupils to fully develop their capabilities.

SECTION 2499. 118.40 (2r) (e) 1. a. of the statutes is renumbered 118.40 (2r) (e) 1m. and amended to read:

118.40 (2r) (e) 1m. In the ~~2009-10~~ 2011-12 and ~~2010-11~~ 2012-13 school years, from the appropriation under s. 20.255 (2) (fm), the department shall pay to the operator of the charter school an amount equal to the sum of the amount paid per pupil under this ~~subdivision~~ paragraph in the previous school year and the increase in the per pupil amount paid to private schools under s. 119.23 (4) (b) 2. or (bg) in the

1 current school year as compared to the previous school year, multiplied by the
2 number of pupils attending the charter school.

3 **SECTION 2500.** 118.40 (2r) (e) 1. b. of the statutes is renumbered 118.40 (2r) (e)
4 2m. and amended to read:

5 118.40 (2r) (e) 2m. In the ~~2011-12~~ 2013-14 school year and in each school year
6 thereafter, from the appropriation under s. 20.255 (2) (fm), the department shall pay
7 to the operator of the charter school an amount equal to the sum of the amount paid
8 per pupil under this ~~subdivision~~ paragraph in the previous school year and the per
9 pupil revenue limit adjustment under s. 121.91 (2m) in the current school year,
10 multiplied by the number of pupils attending the charter school.

11 **SECTION 2501.** 118.40 (2r) (e) 1. c. of the statutes is renumbered 118.40 (2r) (e)
12 3m. and amended to read:

13 118.40 (2r) (e) 3m. The amount paid per pupil under this ~~subdivision~~
14 paragraph may not be less than the amount paid per pupil under this ~~subdivision~~
15 paragraph in the previous school year. The department shall pay 25% of the total
16 amount in September, 25% in December, 25% in February, and 25% in June. The
17 department shall send the check to the operator of the charter school.

18 **SECTION 2502m.** 118.40 (2r) (e) 2. of the statutes is renumbered 118.40 (2r) (e)
19 4. and amended to read:

20 118.40 (2r) (e) 4. If the chancellor of the University of Wisconsin-Parkside
21 establishes or contracts for the establishment of a charter school under this
22 subsection, in March the department shall pay to the unified school district in which
23 the charter school is located, from the appropriation under s. 20.255 (2) (fm), an
24 amount equal to the amount of school aid per pupil to which the unified school district
25 is eligible in the current school year multiplied by the number of pupils attending the

1 charter school who were previously enrolled in the unified school district, except that
2 the payment may not exceed \$1,000,000 in the 2011-12 school year and may not
3 exceed \$750,000 in the 2012-13 school year. No aid may be paid under this
4 subdivision after the 2012-13 school year.

5 **SECTION 2503.** 118.40 (2r) (f) of the statutes is repealed.

6 **SECTION 2507.** 118.40 (8) (h) of the statutes is repealed.

7 **SECTION 2507b.** 118.43 (2) (b) 2. of the statutes is amended to read:

8 118.43 (2) (b) 2. The school board is not receiving a grant under the preschool
9 to grade 5 program on behalf of the school under s. 115.45, 2009 stats.

10 **SECTION 2507e.** 118.43 (2) (bg) 2. of the statutes is amended to read:

11 118.43 (2) (bg) 2. The school board is not receiving a grant under the preschool
12 to grade 5 program on behalf of the school under s. 115.45, 2009 stats.

13 **SECTION 2507h.** 118.43 (2) (br) 2. of the statutes is amended to read:

14 118.43 (2) (br) 2. The school board is not receiving a grant under the preschool
15 to grade 5 program on behalf of any of the schools under s. 115.45, 2009 stats.

16 **SECTION 2507j.** 118.43 (2) (bt) 2. of the statutes is amended to read:

17 118.43 (2) (bt) 2. The school board is not receiving a grant under the preschool
18 to grade 5 program on behalf of any of the schools under s. 115.45, 2009 stats.

19 **SECTION 2507L.** 118.43 (2) (bv) of the statutes is created to read:

20 118.43 (2) (bv) In the 2011-12 school year, the school board of an eligible school
21 district may enter into a 5-year achievement guarantee contract with the
22 department on behalf of one or more schools in the school district if, in the 2010-11
23 school year, the school board received a grant under the preschool to grade 5 program
24 on behalf of the schools under s. 115.45, 2009 stats.

25 **SECTION 2507n.** 118.43 (2) (g) of the statutes is amended to read:

1 118.43 (2) (g) The department may renew an achievement guarantee contract
2 under pars. (b), (bg), (br), ~~and (bt)~~, and (bv) for one or more terms of 5 school years.
3 Except as provided in sub. (3m), as a condition of receiving payments under a
4 renewal of an achievement guarantee contract, a school board shall maintain the
5 reduction of class size achieved during the last school year of the original
6 achievement guarantee contract for the grades specified for the last school year of the
7 contract.

8 **SECTION 2507p.** 118.43 (3) (intro.) of the statutes is amended to read:

9 118.43 (3) CONTRACT REQUIREMENTS. (intro.) Except as provided in pars. (am),
10 (ar), ~~and (at)~~, and (av), an achievement guarantee contract shall require the school
11 board to do all of the following in each participating school:

12 **SECTION 2507r.** 118.43 (3) (av) of the statutes is created to read:

13 118.43 (3) (av) *Class size; additional contracts.* For contracts that begin in the
14 2011-12 school year, reduce each class size to 18 in the following manner:

- 15 1. In the 2011-12 school year, in at least grades kindergarten and one.
16 2. In the 2012-13 school year, in at least grades kindergarten to 2.
17 3. In the 2013-14 to 2015-16 school years, in at least grades kindergarten to
18 3.

19 **SECTION 2507u.** 118.43 (3m) (b) of the statutes is amended to read:

20 118.43 (3m) (b) A school board operating under an achievement guarantee
21 contract entered into under sub. (3) (at) or (av) may combine 2 classes subject to the
22 class size limitation in any school covered by the contract having at least 2 regular
23 classroom teachers when the classes are combined if the combined class size is not
24 greater than 30.

25 **SECTION 2507y.** 118.43 (6) (b) 10. of the statutes is amended to read:

1 118.43 (6) (b) 10. In the 2010-11 school year and any subsequent school year,
2 \$2,250 multiplied by the number of low-income pupils enrolled in grades eligible for
3 funding in each school in the school district covered by contracts under sub. (3) (at)
4 and (av) and by renewals of contracts under sub. (2) (g).

5 **SECTION 2513b.** 118.51 (3) (a) 6. of the statutes is amended to read:

6 118.51 (3) (a) 6. If an application is accepted, on or before the first Friday
7 following the first Monday in June following receipt of a notice of acceptance, ~~or~~
8 ~~within 10 days of receiving a notice of acceptance if a pupil is selected from a waiting~~
9 ~~list under s. 118.40 (8) (h) 5.,~~ the pupil's parent shall notify the nonresident school
10 board of the pupil's intent to attend school in that school district in the following
11 school year.

12 **SECTION 2514.** 118.51 (3) (a) 7. of the statutes is repealed.

13 **SECTION 2515.** 118.51 (3) (b) of the statutes is amended to read:

14 118.51 (3) (b) *Notice to resident school district.* Annually by June 30, each
15 nonresident school board that has accepted a pupil under this section for attendance
16 in the following school year shall report the name of the pupil to the pupil's resident
17 school board. ~~If a pupil is selected from a waiting list under s. 118.40 (8) (h) 5., the~~
18 ~~nonresident school board shall report the name of the pupil to the pupil's resident~~
19 ~~school board within 10 days of receiving notice of the pupil's selection from the~~
20 ~~department.~~

21 **SECTION 2532m.** 118.60 of the statutes is created to read:

22 **118.60 Racine parental choice program. (1) DEFINITIONS.** In this section:

23 (a) "Administrator" means the superintendent, supervising principal,
24 executive director, or other person who acts as the administrative head of a private
25 school participating in the program under this section.

(b) "Membership" has the meaning given in s. 121.004 (5).

(c) "Preaccreditation" means the review and approval of an educational plan.

Review of an education plan includes consideration of whether the school submitting the plan meets the requirements under s. 118.165 (1). The fact that a private school has obtained preaccreditation does not require an accreditation organization to accredit the private school.

(d) "Progress records" has the meaning given in s. 118.125 (1) (c).

(e) "Summer average daily membership equivalent" has the meaning given in s. 121.004 (8).

(f) "Summer choice average daily membership equivalent" means the summer average daily membership equivalent of pupils who were attending a private school under this section on the 2nd Friday of January of the school term immediately preceding that summer or whose applications have been accepted under sub. (3) for attendance at the private school in the school term immediately following that summer.

(g) "Teacher" means a person who has primary responsibility for the academic instruction of pupils.

(2) (a) Subject to par. (b), any pupil in grades kindergarten to 12 who resides within the Racine Unified School District may attend, at no charge, any private school if all of the following apply:

1. a. The pupil is a member of a family that has a total family income that does not exceed an amount equal to 3.0 times the poverty level determined in accordance with criteria established by the director of the federal office of management and budget. In this subdivision and sub. (3m), family income includes income of the pupil's parents or legal guardians. The family income of the pupil shall be

1 determined as provided in subd. 1. b. A pupil attending a private school under this
2 section whose family income increases may continue to attend a private school under
3 this section.

4 b. The private school submits to the department of revenue the names,
5 addresses, social security numbers, and other state and federal tax identification
6 numbers, if any, of the pupil's parents or legal guardians. The department of revenue
7 shall review the information submitted under this subd. 1. b. and shall determine
8 whether the pupil is eligible to participate in the program under this section on the
9 basis of family income. Family income for a family in which the pupil's parents are
10 married or in which the pupil's legal guardians are married shall be reduced by
11 \$7,000 before the determination is made under this subd. 1. b. The department of
12 revenue may take no other action on the basis of the information submitted under
13 this subd. 1. b. The department of public instruction may not request any additional
14 verification of income from the family of a pupil once the department of revenue has
15 determined whether the pupil is eligible to participate in the program under this
16 section on the basis of family income. The department of public instruction shall
17 establish a procedure for determining family income eligibility for those pupils for
18 whom no social security number or state or federal tax identification number has
19 been provided.

20 2. The pupil satisfies one or more of the following:

21 a. The pupil was enrolled in a public school in the Racine Unified School
22 District in the previous school year.

23 b. The pupil was not enrolled in school in the previous school year.

24 c. The pupil attended a private school under this section in the previous school
25 year.

1 d. The pupil is applying to attend kindergarten, first grade, or 9th grade in a
2 private school participating in the program under this section.

3 3. a. Except as provided in subd. 3. b., the private school notified the state
4 superintendent of its intent to participate in the program under this section, and
5 paid the nonrefundable fee set by the department as required under s. 119.23 (2) (a)
6 3., by February 1 of the previous school year. The notice shall specify the number of
7 pupils participating in the program under this section for which the school has space.

8 b. For a private school that intends to participate in the program under this
9 section in the 2011-12 school year, the private school notified the state
10 superintendent of its intent to participate, and paid the nonrefundable fee set by the
11 department under subd. 3. a. by August 1, 2011. The notice shall specify the number
12 of pupils participating in the program under this section for which the school has
13 space.

14 4. The private school complies with 42 USC 2000d.

15 5. The private school meets all health and safety laws or codes that apply to
16 public schools.

17 6. a. Except as provided in subd. 6. c., all of the private school's teachers have
18 a bachelor's degree from an accredited institution of higher education.

19 b. All of the private school's administrators have at least a bachelor's degree
20 from an accredited institution of higher education.

21 c. Any teacher employed by the private school on July 1, 2011, who has been
22 teaching for at least the 5 consecutive years immediately preceding July 1, 2011, and
23 who does not satisfy the requirements under subd. 6. a. on July 1, 2011, applies to
24 the department on a form prepared by the department for a temporary,
25 nonrenewable waiver from the requirements under subd. 6. a. The department shall

1 promulgate rules to implement this subd. 6. c., including the form of the application
2 and the process by which the waiver application will be reviewed. The application
3 form shall require the applicant to submit a plan for satisfying the requirements
4 under subd. 6. a., including the name of the accredited institution of higher education
5 at which the teacher is pursuing or will pursue the bachelor's degree and the
6 anticipated date on which the teacher expects to complete the bachelor's degree. No
7 waiver granted under this subd. 6. c. is valid after July 31, 2016.

8 7. For a private school that is a first-time participant in the program under this
9 section, and that is not accredited by the Wisconsin North Central Association, the
10 Wisconsin Religious and Independent School Accreditation, the Independent
11 Schools Association of the Central States, the archdiocese within which the private
12 school is located, or by any other organization recognized by the National Council for
13 Private Schools Accreditation, the private school obtains preaccreditation by the
14 Institute for the Transformation of Learning at Marquette University, the Wisconsin
15 North Central Association, the Wisconsin Religious and Independent Schools
16 Accreditation, the Independent Schools Association of the Central States, the
17 archdiocese within which the private school is located, or any other organization
18 recognized by the National Council for Private School Accreditation by September
19 1 before the first school term of participation in the program under this section that
20 begins after August 31, 2011; by August 1 before the first school term of participation
21 in the program under this section that begins after August 31, 2012; or by May 1 if
22 the private school begins participation in the program under this section during
23 summer school. The private school shall achieve accreditation by the Wisconsin
24 North Central Association, the Wisconsin Religious and Independent Schools
25 Accreditation, the Independent Schools Association of the Central States, the

1 archdiocese within which the private school is located, or any other organization
2 recognized by the National Council for Private School Accreditation, by December 31
3 of the 3rd school year following the first school year in which the private school begins
4 participation in the program under this section. If the private school is accredited
5 under this subdivision, the private school is not required to obtain preaccreditation
6 as a prerequisite to providing instruction under this section in additional grades or
7 in an additional or new school.

8 8. Notwithstanding s. 118.165 (1) (c), the private school annually provides at
9 least 1,050 hours of direct pupil instruction in grades 1 to 6 and at least 1,137 hours
10 of direct pupil instruction in grades 7 to 12. Hours provided under this subdivision
11 include recess and time for pupils to transfer between classes but do not include the
12 lunch periods.

13 (b) 1. In the 2011-12 school year, no more than 250 pupils, as counted under
14 s. 121.004 (7), may attend private schools under this section. Priority shall be given
15 to pupils who were eligible for a free or reduced-price lunch in the federal school
16 lunch program under 42 USC 1758 (b) in the 2010-11 school year.

17 2. In the 2012-13 school year, no more than 500 pupils, as counted under s.
18 121.004 (7), may attend private schools under this section. Priority shall be given
19 to pupils who attended a private school under this section in the 2011-12 school year.

20 3. Whenever the state superintendent determines that the limit is reached
21 under subd. 1. or 2., he or she shall issue an order prohibiting the participating
22 private schools from accepting additional pupils until he or she determines that the
23 number of pupils attending private schools under this section has fallen below the
24 limit. If the number of pupils attending private schools under this section falls below
25 the limit under this paragraph, the state superintendent shall issue an order

1 notifying participating private schools that they may begin accepting additional
2 pupils, and, notwithstanding sub. (3) (a), participating private schools that wish to
3 accept additional pupils under this section shall accept pupils as follows:

4 a. The private school shall give first priority to pupils who are attending a
5 private school under this section.

6 b. The private school shall give 2nd priority to the siblings of pupils who are
7 attending a private school under this section.

8 c. The private school shall give 3rd priority to pupils selected at random under
9 a procedure established by the department by rule.

10 (c) 1. Notwithstanding par. (a) 6., a teacher employed by a private school
11 participating in the program under this section who teaches only courses in
12 rabbinical studies is not required to have a bachelor's degree.

13 2. Notwithstanding par. (a) 6., an administrator of a private school
14 participating in the program under this section that prepares and trains pupils
15 attending the school in rabbinical studies is not required to have a bachelor's degree.

16 (3) (a) The pupil or the pupil's parent or guardian shall submit an application,
17 on a form provided by the state superintendent, to the participating private school
18 that the pupil wishes to attend. If more than one pupil from the same family applies
19 to attend the same private school, the pupils may use a single application. Within
20 60 days after receiving the application, the private school shall notify each applicant,
21 in writing, whether his or her application has been accepted. If the private school
22 rejects an application, the notice shall include the reason. A private school may reject
23 an applicant only if it has reached its maximum general capacity or seating capacity.
24 The state superintendent shall ensure that the private school determines which

1 pupils to accept on a random basis, except that the private school may give preference
2 in accepting applications to siblings of pupils accepted on a random basis.

3 (b) If the private school rejects an applicant because it has too few available
4 spaces, the pupil may transfer his or her application to a participating private school
5 that has space available.

6 **(3m)** (a) A private school participating in the program under this section may
7 not charge or receive any additional payment for a pupil participating in the program
8 under this section other than the payment the school receives under sub. (4) and, if
9 applicable, sub. (4m), if either of the following applies:

10 1. The pupil is enrolled in a grade from kindergarten to 8.

11 2. The pupil is enrolled in a grade from 9 to 12 and the family income of the
12 pupil, as determined under sub. (2) (a) 1., does not exceed an amount equal to 2.2
13 times the poverty level determined in accordance with criteria established by the
14 director of the federal office of management and budget.

15 (b) A private school participating in the program under this section may, in
16 addition to the payment it receives for a pupil under sub. (4) and, if applicable, sub.
17 (4m), charge the pupil tuition and fees in an amount determined by the school if both
18 of the following apply:

19 1. The pupil is enrolled in a grade from 9 to 12.

20 2. The family income of the pupil, as determined under sub. (2) (a) 1., exceeds
21 an amount equal to 2.2 times the poverty level determined in accordance with
22 criteria established by the director of the federal office of management and budget.

23 (c) A private school participating in the program under this section shall
24 determine whether the private school may charge additional tuition and fees to a
25 pupil on the basis of the pupil's family income as permitted under par. (b). The

1 private school shall establish a process for accepting an appeal to the governing body
2 of the private school of the determination made under this paragraph.

3 (4) (a) Annually, on or before October 15, a private school participating in the
4 program under this section shall file with the department a report stating its
5 summer average daily membership equivalent and its summer choice average daily
6 membership equivalent for the purpose of sub. (4m).

7 (b) Except as provided in par. (bg), upon receipt from the pupil's parent or
8 guardian of proof of the pupil's enrollment in the private school during a school term,
9 the state superintendent shall pay to the private school in which the pupil is enrolled
10 on behalf of the pupil's parent or guardian, from the appropriation under s. 20.255
11 (2) (fr), an amount equal to the lesser of the following:

12 1. The amount equal to the private school's operating and debt service cost per
13 pupil that is related to educational programming, as determined by the department.

14 2. The amount paid per pupil under this subsection in the previous school year
15 multiplied by the sum of 1.0 plus the percentage change from the previous school
16 year to the current school year in the total amount appropriated under s. 20.255 (2)
17 (ac) expressed as a decimal, but not less than zero.

18 (bg) In the 2011-12 and 2012-13 school years, upon receipt from the pupil's
19 parent or guardian of proof of the pupil's enrollment in the private school during a
20 school term, the state superintendent shall pay to the parent or guardian, from the
21 appropriation under s. 20.255 (2) (fr), an amount equal to the private school's
22 operating and debt service cost per pupil that is related to educational programming,
23 as determined by the department, or \$6,442, whichever is less.

24 (c) The state superintendent shall pay 25 percent of the total amount under this
25 subsection in September, 25 percent in November, 25 percent in February, and 25

1 percent in May. Each installment may consist of a single check for all pupils
2 attending the private school under this section. The state superintendent shall
3 include the entire amount under sub. (4m) in the November installment, but the
4 payment shall be made in a separate check from the payment under this subsection.

5 (d) In determining a private school's operating and debt service cost per pupil
6 under par. (b) 1. and (4m) (a), the department shall do all of the following:

7 1. Subtract only the following, up to the actual cost of the service or material
8 related to each item:

- 9 a. Fees charged pupils for books and supplies used in classes and programs.
10 b. Rentals for school buildings.
11 c. Food service revenues.
12 d. Governmental financial assistance.
13 e. Interest and other income resulting from the investment of debt proceeds.

14 2. If legal title to the private school's buildings and premises is held in the name
15 of the private school's parent organization or other related party, there is no other
16 mechanism to include the private school's facilities costs in the calculation of its
17 operating and debt service cost, and the private school requests that the department
18 do so, include an amount equal to 10.5 percent of the fair market value of the school
19 and its premises. A request made by a private school under this subdivision remains
20 effective in subsequent school years and may not be withdrawn by the private school.

21 3. If immediately prior to the effective date of this subdivision [LRB inserts
22 date], a private school's operating and debt service costs, as determined by the
23 department, included the amount described in subd. 2., continue to include the
24 amount described in subd. 2. in subsequent school years.

1 **(4m)** In addition to the payment under sub. (4) the state superintendent shall
2 pay to each private school participating in the program under this section, on behalf
3 of the parent or guardian of each pupil attending the private school under this
4 section, in the manner described in sub. (4) (c), the amount determined as follows:

5 (a) Determine the private school's operating and debt service cost per pupil in
6 summer school that is related to educational programming.

7 (b) Multiply the amount under par. (a) by 0.40.

8 (c) Multiply the product under par. (b) by the quotient determined by dividing
9 the summer choice average daily membership equivalent of the private school by the
10 total number of pupils for whom payments are being made under sub. (4).

11 **(4r)** If, after the 3rd Friday in September in any school year, a private school
12 participating in the program under this section closes, for each installment under
13 sub. (4) (c) that was not paid to the private school in that school year, the state
14 superintendent shall pay to the board, from the appropriation under s. 20.255 (2) (fv),
15 the amount determined, for each pupil who had been attending the private school
16 under this section in that school year and who enrolls in the school district operating
17 under this chapter in that school year, as follows:

18 (a) Multiply the amount determined under sub. (4) (b) or (bg) by 0.616.

19 (b) Multiply the product under par. (a) by 0.25.

20 **(5)** The state superintendent shall ensure that pupils and parents and
21 guardians of pupils who reside in the Racine Unified School District are informed
22 annually of the private schools participating in the program under this section.

23 **(6)** The school board of the Racine Unified School District shall provide
24 transportation to pupils attending a private school under this section if required

1 under s. 121.54 and may claim transportation aid under s. 121.58 for pupils so
2 transported.

3 (6m) Each private school participating in the program under this section shall
4 do all of the following:

5 (a) Provide to each pupil, or the parent or guardian of each minor pupil, who
6 applies to attend the private school all of the following:

7 1. The name, address, and telephone number of the private school and the
8 name of one or more contact persons at the school.

9 2. A list of the names of the members of the private school's governing body and
10 of the private school's shareholders, if any.

11 3. A notice stating whether the private school is an organization operated for
12 profit or not for profit. If the private school is a nonprofit organization, the private
13 school shall also provide the applicant with a copy of the certificate issued under
14 section 501 (c) (3) of the Internal Revenue Code verifying that the private school is
15 a nonprofit organization that is exempt from federal income tax.

16 4. A copy of the appeals process used if the private school rejects the applicant.

17 5. A copy of the policy developed by the private school under s. 118.33 (1) (f) 2r.

18 6. A copy of the nonharassment policy used by the private school, together with
19 the procedures for reporting and obtaining relief from harassment.

20 7. A copy of the suspension and expulsion policies and procedures, including
21 procedures for appealing a suspension or expulsion, used by the private school.

22 8. A copy of the policy used by the private school for accepting or denying the
23 transfer of credits earned by a pupil attending the private school under this section
24 for the satisfactory completion of coursework at another school.

1 9. A copy of the policy governing visitors and visits to the private school,
2 developed as required under sub. (7) (b) 2m.

3 (b) Annually, by August 1st, provide to the department the material specified
4 in par. (a) and all of the following information:

5 1. The number of pupils attending the private school under this section in the
6 previous school year.

7 2. The number of pupils attending the private school other than under this
8 section in the previous school year.

9 3. For each of the previous 5 school years in which the private school has
10 participated in the program under this section, all of the following information:

11 a. The number of pupils who attended the private school under this section and
12 other than under this section in the 12th grade and the number of those pupils who
13 graduated from the private school.

14 b. The number of pupils who attended the private school under this section and
15 other than under this section in the 8th grade and the number of those pupils who
16 advanced from grade 8 to grade 9.

17 c. The number of pupils who attended the private school under this section and
18 other than under this section in the 4th grade and the number of those pupils who
19 advanced from grade 4 to grade 5.

20 d. To the extent permitted under 20 USC 1232g and 43 CFR part 99, pupil
21 scores on all standardized tests administered under sub. (7) (e).

22 4. A copy of the academic standards adopted under sub. (7) (b) 2.

23 (c) Provide to the department a signed statement from each individual who is
24 a member of the private school's governing body verifying that the individual is a
25 member of the governing body.

1 (d) Upon request by any pupil, or the parent or guardian of any minor pupil,
2 who is attending or who applies to attend the private school, provide the material
3 specified in pars. (a) and (b).

4 (7) (a) Each private school participating in the program under this section shall
5 meet at least one of the following standards:

6 1. At least 70 percent of the pupils in the program advance one grade level each
7 year.

8 2. The private school's average attendance rate for the pupils in the program
9 is at least 90 percent.

10 3. At least 80 percent of the pupils in the program demonstrate significant
11 academic progress.

12 4. At least 70 percent of the families of pupils in the program meet parent
13 involvement criteria established by the private school.

14 (am) Each private school participating in the program under this section is
15 subject to uniform financial accounting standards established by the department.
16 Annually by September 1 following a school year in which a private school
17 participated in the program under this section, the private school shall submit to the
18 department all of the following:

19 1. An independent financial audit of the private school conducted by an
20 independent certified public accountant, accompanied by the auditor's statement
21 that the report is free of material misstatements and fairly presents pupil costs
22 under sub. (4) (b) 1. The audit under this subdivision shall be limited in scope to those
23 records that are necessary for the department to make payments under subs. (4) and
24 (4m). The auditor shall conduct his or her audit, including determining sample sizes
25 and evaluating financial viability, in accordance with the auditing standards

1 established by the American Institute of Certified Public Accountants. The
2 department may not require an auditor to comply with standards that exceed the
3 scope of the standards established by the American Institute of Certified Public
4 Accountants.

5 2. Evidence of sound fiscal and internal control practices, as prescribed by the
6 department by rule. An auditor engaged to evaluate the private school's fiscal and
7 internal control practices shall conduct his or her evaluation, including determining
8 sample sizes, in accordance with attestation standards established by the American
9 Institute of Certified Public Accountants.

10 (b) Each private school participating in the program under this section shall
11 do all of the following:

12 1. Administer to any pupils attending the 3rd grade in the private school under
13 this section a standardized reading test developed by the department.

14 2. Adopt the pupil academic standards required under s. 118.30 (1g) (a) 4.

15 2m. Develop a written policy governing visitors and visits to the private school.

16 3. Ensure that any teacher's aide employed by the private school has graduated
17 from high school, been granted a declaration of equivalency of high school
18 graduation, or been issued a general educational development certificate of high
19 school equivalency.

20 3m. Annually, schedule 2 meetings at which members of the governing body of
21 the private school will be present and at which pupils, and the parents or guardians
22 of pupils, applying to attend the private school or attending the private school may
23 meet and communicate with the members of the governing body. The private school
24 shall, within 30 days after the start of the school term, notify the department in
25 writing of the scheduled meeting dates and shall, at least 30 days before the

1 scheduled meeting date, notify in writing each pupil, or the parent or guardian of
2 each minor pupil, applying to attend the private school or attending the private
3 school of the meeting date, time, and place.

4 4. Maintain progress records for each pupil attending the private school under
5 this section while the pupil attends the school and, except as provided under subd.
6 7., for at least 5 years after the pupil ceases to attend the school.

7 5. Upon request, provide a pupil or the parent or guardian of a minor pupil who
8 is attending the private school under this section with a copy of the pupil's progress
9 records.

10 6. Issue a high school diploma or certificate to each pupil who attends the
11 private school under this section and satisfactorily completes the course of
12 instruction and any other requirements necessary for high school graduation.

13 7. a. Except as provided in subd. 7. b., if the private school ceases operating as
14 a private school, immediately transfer all of the progress records of the pupils who
15 attended the school under this section to the school board of the Racine Unified
16 School District. The private school shall send written notice to each pupil, or to the
17 parent or guardian of a minor pupil, of the transfer of progress records under this
18 subd. 7. a.

19 b. If the private school is affiliated with an organization that will maintain the
20 progress records of each pupil who attended the school under this section for at least
21 5 years after the private school ceases operation as a private school, the private
22 school may transfer a pupil's records to the organization if the pupil, or the parent
23 or guardian of a minor pupil, consents in writing to the release of the progress records
24 to the affiliated organization. The private school shall send to the department a copy
25 of the consent form for each pupil who consents to the transfer of progress records

1 under this subd. 7. b. The written notice shall be signed by the pupil, or the parent
2 or guardian of a minor pupil, and shall include the name, phone number, mailing
3 address, and other relevant contact information of the organization that will
4 maintain the progress records, and a declaration by the affiliated organization that
5 the organization agrees to maintain the progress records for at least 5 years after the
6 private school ceases operation as a private school.

7 (c) A private school may not require a pupil attending the private school under
8 this section to participate in any religious activity if the pupil's parent or guardian
9 submits to the pupil's teacher or the private school's principal a written request that
10 the pupil be exempt from such activities.

11 (d) By September 1 before the first school term of participation in the program
12 that begins in the 2011-12 school year, by August 1 before the first school term of
13 participation in the program that begins in the 2012-13 school year or any school
14 year thereafter, or by May 1 if the private school begins participating in the program
15 during summer school, each private school participating in the program under this
16 section shall submit to the department all of the following:

17 1. a. In this subdivision, "municipality" has the meaning given in s. 5.02 (11).

18 b. A copy of the school's current certificate of occupancy issued by the
19 municipality within which the school is located. If the private school moves to a new
20 location, the private school shall submit a copy of the new certificate of occupancy
21 issued by the municipality within which the school is located to the department
22 before the attendance of pupils at the new location and before the next succeeding
23 date specified in s. 121.05 (1) (a). A temporary certificate of occupancy does not meet
24 the requirement of this subdivision.

25 2. Evidence of financial viability, as prescribed by the department by rule.

1 3. Proof that the private school's administrator has participated in a fiscal
2 management training program approved by the department.

3 (e) Each private school participating in the program under this section shall
4 administer the examinations required under s. 118.30 (1t) to pupils attending the
5 school under the program. The private school may administer additional
6 standardized tests to such pupils.

7 (g) 1. By the first day of the 3rd month beginning after the month in which the
8 department establishes the model management plan and practices for maintaining
9 indoor environmental quality in public and private schools under s. 118.075 (3), or
10 by October 1 of a private school's first school year of participation in the program
11 under this section, whichever is later, the private school shall provide for the
12 development of a plan for maintaining indoor environmental quality in the private
13 school.

14 2. By the first day of the 12th month beginning after the month in which the
15 department establishes the model management plan and practices for maintaining
16 indoor environmental quality in public and private schools under s. 118.075 (3), or
17 by the beginning of the 2nd school year of participation in the program under this
18 section, whichever is later, the private school shall implement a plan for maintaining
19 indoor environmental quality in the private school.

20 3. Each private school participating in the program under this section shall
21 provide a copy of the plan implemented under subd. 2. to any person upon request.

22 (8) There is created a pupil assignment council composed of one representative
23 from each private school participating in the program under this section. Annually
24 by June 30, the council shall make recommendations to the participating private

1 schools to achieve, to the extent possible, a balanced representation of pupils
2 participating in the program under this section.

3 (9) If any accrediting agency specified under sub. (2) (a) 7. determines during
4 the accrediting or preaccrediting process that a private school does not meet all of the
5 requirements under s. 118.165 (1), it shall report that failure to the department.

6 (10) (a) The state superintendent may issue an order barring a private school
7 from participating in the program under this section in the current school year if the
8 state superintendent determines that the private school has done any of the
9 following:

- 10 1. Misrepresented information required under sub. (7) (d).
- 11 2. Failed to provide the notice or pay the fee required under sub. (2) (a) 3., or
12 provide the information required under sub. (7) (am) or (d), by the date or within the
13 period specified.
- 14 3. Failed to refund to the state any overpayment made under sub. (4) (b) or (bg)
15 or (4m) by the date specified by department rule.
- 16 4. Failed to meet at least one of the standards under sub. (7) (a) by the date
17 specified by department rule.
- 18 5. Failed to provide the information required under sub. (6m).
- 19 6. Failed to comply with the requirements under sub. (7) (b) or (c).
- 20 7. Violated sub. (7) (b) 4., 5., or 6.

21 (am) If the state superintendent determines that any of the following have
22 occurred, he or she may issue an order barring the private school from participating
23 in the program under this section in the following school year:

- 24 2. The private school's application for accreditation has been denied by the
25 accrediting organization.

1 3. The private school has not achieved accreditation within the period allowed
2 under sub. (2) (a) 7.

3 (b) The state superintendent may issue an order immediately terminating a
4 private school's participation in the program under this section if he or she
5 determines that conditions at the private school present an imminent threat to the
6 health or safety of pupils.

7 (c) Whenever the state superintendent issues an order under par. (a), (am), or
8 (b), he or she shall immediately notify the parent or guardian of each pupil attending
9 the private school under this section.

10 (d) The state superintendent may withhold payment from a private school
11 under subs. (4) and (4m) if the private school violates this section.

12 **(11)** The department shall do all of the following:

13 (a) Promulgate rules to implement and administer this section. The
14 department may not by rule establish standards under sub. (7) (am) that exceed the
15 standards established by the American Institute of Certified Public Accountants.

16 (b) Notify each private school participating in the program under this section
17 of any proposed changes to the program or to administrative rules governing the
18 program, including changes to application or filing deadlines but not including
19 changes to provisions governing health or safety, prior to the beginning of the school
20 year in which the change takes effect.

21 **SECTION 2532p.** 118.62 of the statutes is created to read:

22 **118.62 Green Bay Parental Choice Program.** (1) **DEFINITIONS.** In this
23 section:

1 (a) "Administrator" means the superintendent, supervising principal,
2 executive director, or other person who acts as the administrative head of a private
3 school participating in the program under this section.

4 (b) "Membership" has the meaning given in s. 121.004 (5).

5 (c) "Preaccreditation" means the review and approval of an educational plan.
6 Review of an education plan includes consideration of whether the school submitting
7 the plan meets the requirements under s. 118.165 (1). The fact that a private school
8 has obtained preaccreditation does not require an accreditation organization to
9 accredit the private school.

10 (d) "Progress records" has the meaning given in s. 118.125 (1) (c).

11 (e) "Summer average daily membership equivalent" has the meaning given in
12 s. 121.004 (8).

13 (f) "Summer choice average daily membership equivalent" means the summer
14 average daily membership equivalent of pupils who were attending a private school
15 under this section on the 2nd Friday of January of the school term immediately
16 preceding that summer or whose applications have been accepted under sub. (3) for
17 attendance at the private school in the school term immediately following that
18 summer.

19 (g) "Teacher" means a person who has primary responsibility for the academic
20 instruction of pupils.

21 **(1m)** (a) In this subsection:

22 1. "Board" means the government accountability board.

23 2. "Circulator" has the meaning given for "qualified circulator" under s. 5.02
24 (16g).

1 (b) On or after September 1, 2011, an individual, committee, or group may file
2 a registration statement with the board to initiate a petition to implement the Green
3 Bay Parental Choice Program under this section. The registration statement shall
4 include the name and mailing address of the individual who, or committee or group
5 that, is initiating the petition.

6 (c) The individual, committee, or group may circulate the petition and shall file
7 the petition with the board no later than 60 days after the date on which the
8 registration statement is filed under par. (b). The certification of a circulator shall
9 appear at the bottom of each petition filed with the board. The certification of the
10 circulator shall include the name and mailing address of the individual who, or
11 committee or group that, initiated the petition and shall state that he or she
12 personally circulated the petition and personally obtained each of the signatures; he
13 or she knows the signatures are of qualified electors, as defined under s. 6.02, of the
14 Green Bay Area Public School District as the petition requires; he or she knows the
15 signers signed the petition with full knowledge of its content; he or she knows the
16 respective residences given for each signer; and he or she knows each signer signed
17 on the date stated opposite his or her signature. The certification shall further state
18 that he or she, the circulator, is a qualified elector of this state, or if not a qualified
19 elector of this state, is a U.S. citizen age 18 or older who, if he or she were a resident
20 of this state, would not be disqualified from voting under s. 6.03; that he or she
21 intends to support the implementation of the program under this section; and that
22 he or she is aware that falsifying the certification is punishable under s. 12.13 (3) (a).
23 The circulator shall indicate the date that he or she makes the certification next to
24 his or her signature.

1 (d) The board shall, within 31 days after a petition is filed under par. (c), review
2 the signatures to determine whether any signatures or petition sheets may not be
3 counted for the reasons provided in par. (e) or (f). If, after review, the board
4 determines that the petition contains a number of signatures of qualified electors in
5 the Green Bay Area Public School District equal to not less than 25 percent of the
6 number of pupils enrolled in the Green Bay Area Public School District in the
7 2010-11 school year, the board shall certify that result to the department of public
8 instruction. The department shall implement the program under this section in the
9 first school year that begins after the date on which the board certifies the petition
10 under this paragraph.

11 (e) An individual signature on a petition sheet may not be counted if:

- 12 1. The signature is not dated.
- 13 2. The signature is dated outside the circulation period.
- 14 3. The signature is dated after the date of the certification contained on the
15 petition sheet.
- 16 4. The residency of the signer of the petition sheet cannot be determined by the
17 address given.
- 18 5. The signature is that of an individual who is not a resident of the Green Bay
19 Area School District.
- 20 6. The signer has been adjudicated not to be a qualified elector on grounds of
21 incompetency or limited incompetency as provided in s. 6.03 (3).
- 22 7. The signer is not a qualified elector by reason of age.
- 23 8. The circulator knew or should have known that the signer, for any other
24 reason, was not a qualified elector.

25 (f) No signature on the petition sheet may be counted if:

1 1. The circulator fails to sign his or her certification.

2 2. The circulator is not a qualified circulator.

3 **(2)** (a) After a petition is certified as provided under sub. (1m) (d), and subject
4 to par. (b), any pupil in grades kindergarten to 12 who resides within the Green Bay
5 Area Public School District may attend, at no charge, any private school if all of the
6 following apply:

7 1. a. The pupil is a member of a family that has a total family income that does
8 not exceed an amount equal to 3.0 times the poverty level determined in accordance
9 with criteria established by the director of the federal office of management and
10 budget. In this subdivision and sub. (3m), family income includes income of the
11 pupil's parents or legal guardians. The family income of the pupil shall be
12 determined as provided in subd. 1. b. A pupil attending a private school under this
13 section whose family income increases may continue to attend a private school under
14 this section.

15 b. The private school submits to the department of revenue the names,
16 addresses, social security numbers, and other state and federal tax identification
17 numbers, if any, of the pupil's parents or legal guardians. The department of revenue
18 shall review the information submitted under this subd. 1. b. and shall determine
19 whether the pupil is eligible to participate in the program under this section on the
20 basis of family income. Family income for a family in which the pupil's parents are
21 married or in which the pupil's legal guardians are married shall be reduced by
22 \$7,000 before the determination is made under this subd. 1. b. The department of
23 revenue may take no other action on the basis of the information submitted under
24 this subd. 1. b. The department of public instruction may not request any additional
25 verification of income from the family of a pupil once the department of revenue has

1 determined whether the pupil is eligible to participate in the program under this
2 section on the basis of family income. The department of public instruction shall
3 establish a procedure for determining family income eligibility for those pupils for
4 whom no social security number or state or federal tax identification number has
5 been provided.

6 2. The pupil satisfies one or more of the following:

7 a. The pupil was enrolled in a public school in the Green Bay Area Public School
8 District in the previous school year.

9 b. The pupil was not enrolled in school in the previous school year.

10 c. The pupil attended a private school under this section in the previous school
11 year.

12 d. The pupil is applying to attend kindergarten, first grade, or 9th grade in a
13 private school participating in the program under this section.

14 3. a. Except as provided in subd. 3. b., the private school notified the state
15 superintendent of its intent to participate in the program under this section, and
16 paid the nonrefundable fee set by the department as required under s. 119.23 (2) (a)
17 3., by February 1 of the previous school year. The notice shall specify the number of
18 pupils participating in the program under this section for which the school has space.

19 b. For a private school that intends to participate in the program under this
20 section in the first school year that begins after a petition is certified under sub. (1m)
21 (d), the private school notified the state superintendent of its intent to participate,
22 and paid the nonrefundable fee set by the department under subd. 3. a. by February
23 1 of that school year. The notice shall specify the number of pupils participating in
24 the program under this section for which the school has space.

25 4. The private school complies with 42 USC 2000d.

1 5. The private school meets all health and safety laws or codes that apply to
2 public schools.

3 6. a. Except as provided in subd. 6. c., all of the private school's teachers have
4 a bachelor's degree from an accredited institution of higher education.

5 b. All of the private school's administrators have at least a bachelor's degree
6 from an accredited institution of higher education.

7 c. Any teacher employed by the private school on July 1 of the first school year
8 that begins after a petition is certified under sub. (1m) (d), who has been teaching for
9 at least the 5 consecutive years immediately preceding that July 1, and who does not
10 satisfy the requirements under subd. 6. a. on that July 1 applies to the department
11 on a form prepared by the department for a temporary, nonrenewable waiver from
12 the requirements under subd. 6. a. The department shall promulgate rules to
13 implement this subd. 6. c., including the form of the application and the process by
14 which the waiver application will be reviewed. The application form shall require
15 the applicant to submit a plan for satisfying the requirements under subd. 6. a.,
16 including the name of the accredited institution of higher education at which the
17 teacher is pursuing or will pursue the bachelor's degree and the anticipated date on
18 which the teacher expects to complete the bachelor's degree. No waiver granted
19 under this subd. 6. c. is valid after July 31 of the 5th year that begins after a petition
20 is certified under sub. (1m) (d).

21 7. For a private school that is a first-time participant in the program under this
22 section, and that is not accredited by the Wisconsin North Central Association, the
23 Wisconsin Religious and Independent School Accreditation, the Independent
24 Schools Association of the Central States, the archdiocese within which the private
25 school is located, or by any other organization recognized by the National Council for

1 Private Schools Accreditation, the private school obtains preaccreditation by the
2 Institute for the Transformation of Learning at Marquette University, the Wisconsin
3 North Central Association, the Wisconsin Religious and Independent Schools
4 Accreditation, the Independent Schools Association of the Central States, the
5 archdiocese within which the private school is located, or any other organization
6 recognized by the National Council for Private School Accreditation by August 1
7 before the first school term of participation in the program under this section that
8 begins in the first school year that begins after a petition is certified under sub. (1m)
9 (d) or by May 1 before the first summer class is offered by the private school if the
10 private school begins participation in the program under this section during summer
11 school. The private school shall achieve accreditation by the Wisconsin North
12 Central Association, the Wisconsin Religious and Independent Schools
13 Accreditation, the Independent Schools Association of the Central States, the
14 archdiocese within which the private school is located, or any other organization
15 recognized by the National Council for Private School Accreditation, by December 31
16 of the 3rd school year following the first school year in which the private school begins
17 participation in the program under this section. If the private school is accredited
18 under this subdivision, the private school is not required to obtain preaccreditation
19 as a prerequisite to providing instruction under this section in additional grades or
20 in an additional or new school.

21 8. Notwithstanding s. 118.165 (1) (c), the private school annually provides at
22 least 1,050 hours of direct pupil instruction in grades 1 to 6 and at least 1,137 hours
23 of direct pupil instruction in grades 7 to 12. Hours provided under this subdivision
24 include recess and time for pupils to transfer between classes but do not include the
25 lunch periods.

1 (b) 1. In the first school year that begins after a petition is certified under sub.
2 (1m) (d), no more than 250 pupils, as counted under s. 121.004 (7), may attend private
3 schools under this section. Priority shall be given to pupils who were eligible for a
4 free or reduced-price lunch in the federal school lunch program under 42 USC 1758
5 (b) in the immediately preceding school year.

6 2. In the 2nd school year that begins after a petition is certified under sub. (1m)
7 (d), no more than 500 pupils, as counted under s. 121.004 (7), may attend private
8 schools under this section. Priority shall be given to pupils who attended a private
9 school under this section in the school year described in subd. 1.

10 3. Whenever the state superintendent determines that the limit is reached
11 under subd. 1. or 2., he or she shall issue an order prohibiting the participating
12 private schools from accepting additional pupils until he or she determines that the
13 number of pupils attending private schools under this section has fallen below the
14 limit. If the number of pupils attending private schools under this section falls below
15 the limit under this paragraph, the state superintendent shall issue an order
16 notifying participating private schools that they may begin accepting additional
17 pupils, and, notwithstanding sub. (3) (a), participating private schools that wish to
18 accept additional pupils under this section shall accept pupils as follows:

19 a. The private school shall give first priority to pupils who are attending a
20 private school under this section.

21 b. The private school shall give 2nd priority to the siblings of pupils who are
22 attending a private school under this section.

23 c. The private school shall give 3rd priority to pupils selected at random under
24 a procedure established by the department by rule.

1 (c) 1. Notwithstanding par. (a) 6., a teacher employed by a private school
2 participating in the program under this section who teaches only courses in
3 rabbinical studies is not required to have a bachelor's degree.

4 2. Notwithstanding par. (a) 6., an administrator of a private school
5 participating in the program under this section that prepares and trains pupils
6 attending the school in rabbinical studies is not required to have a bachelor's degree.

7 (3) (a) The pupil or the pupil's parent or guardian shall submit an application,
8 on a form provided by the state superintendent, to the participating private school
9 that the pupil wishes to attend. If more than one pupil from the same family applies
10 to attend the same private school, the pupils may use a single application. Within
11 60 days after receiving the application, the private school shall notify each applicant,
12 in writing, whether his or her application has been accepted. If the private school
13 rejects an application, the notice shall include the reason. A private school may reject
14 an applicant only if it has reached its maximum general capacity or seating capacity.
15 The state superintendent shall ensure that the private school determines which
16 pupils to accept on a random basis, except that the private school may give preference
17 in accepting applications to siblings of pupils accepted on a random basis.

18 (b) If the private school rejects an applicant because it has too few available
19 spaces, the pupil may transfer his or her application to a participating private school
20 that has space available.

21 (3m) (a) A private school participating in the program under this section may
22 not charge or receive any additional payment for a pupil participating in the program
23 under this section other than the payment the school receives under sub. (4) and, if
24 applicable, sub. (4m), if either of the following applies:

25 1. The pupil is enrolled in a grade from kindergarten to 8.

1 2. The pupil is enrolled in a grade from 9 to 12 and the family income of the
2 pupil, as determined under sub. (2) (a) 1., does not exceed an amount equal to 2.2
3 times the poverty level determined in accordance with criteria established by the
4 director of the federal office of management and budget.

5 (b) A private school participating in the program under this section may, in
6 addition to the payment it receives for a pupil under sub. (4) and, if applicable, sub.
7 (4m), charge the pupil tuition and fees in an amount determined by the school if both
8 of the following apply:

9 1. The pupil is enrolled in a grade from 9 to 12.

10 2. The family income of the pupil, as determined under sub. (2) (a) 1., exceeds
11 an amount equal to 2.2 times the poverty level determined in accordance with
12 criteria established by the director of the federal office of management and budget.

13 (c) A private school participating in the program under this section shall
14 determine whether the private school may charge additional tuition and fees to a
15 pupil on the basis of the pupil's family income as permitted under par. (b). The
16 private school shall establish a process for accepting an appeal to the governing body
17 of the private school of the determination made under this paragraph.

18 (4) (a) Annually, on or before October 15, a private school participating in the
19 program under this section shall file with the department a report stating its
20 summer average daily membership equivalent and its summer choice average daily
21 membership equivalent for the purpose of sub. (4m).

22 (b) Upon receipt from the pupil's parent or guardian of proof of the pupil's
23 enrollment in the private school during a school term, the state superintendent shall
24 pay to the private school in which the pupil is enrolled on behalf of the pupil's parent

1 or guardian, from the appropriation under s. 20.255 (2) (fn), an amount equal to the
2 lesser of the following:

3 1. The amount equal to the private school's operating and debt service cost per
4 pupil that is related to educational programming, as determined by the department.

5 2. In the 2012-13 school year, the per pupil amount determined under s. 119.23
6 (4) (bg), and in any other school year, the per pupil amount determined under s.
7 119.23 (4) (b) 2.

8 (c) The state superintendent shall pay 25 percent of the total amount under this
9 subsection in September, 25 percent in November, 25 percent in February, and 25
10 percent in May. Each installment may consist of a single check for all pupils
11 attending the private school under this section. The state superintendent shall
12 include the entire amount under sub. (4m) in the November installment, but the
13 payment shall be made in a separate check from the payment under this subsection.

14 (d) In determining a private school's operating and debt service cost per pupil
15 under par. (b) 1. and (4m) (a), the department shall do all of the following:

16 1. Subtract only the following, up to the actual cost of the service or material
17 related to each item:

- 18 a. Fees charged pupils for books and supplies used in classes and programs.
- 19 b. Rentals for school buildings.
- 20 c. Food service revenues.
- 21 d. Governmental financial assistance.
- 22 e. Interest and other income resulting from the investment of debt proceeds.

23 2. If legal title to the private school's buildings and premises is held in the name
24 of the private school's parent organization or other related party, there is no other
25 mechanism to include the private school's facilities costs in the calculation of its

1 operating and debt service cost, and the private school requests that the department
2 do so, include an amount equal to 10.5 percent of the fair market value of the school
3 and its premises. A request made by a private school under this subdivision remains
4 effective in subsequent school years and may not be withdrawn by the private school.

5 3. If immediately prior to the effective date of this subdivision [LRB inserts
6 date], a private school's operating and debt service costs, as determined by the
7 department, included the amount described in subd. 2., continue to include the
8 amount described in subd. 2. in subsequent school years.

9 (4m) In addition to the payment under sub. (4) the state superintendent shall
10 pay to each private school participating in the program under this section, on behalf
11 of the parent or guardian of each pupil attending the private school under this
12 section, in the manner described in sub. (4) (c), the amount determined as follows:

13 (a) Determine the private school's operating and debt service cost per pupil in
14 summer school that is related to educational programming.

15 (b) Multiply the amount under par. (a) by 0.40.

16 (c) Multiply the product under par. (b) by the quotient determined by dividing
17 the summer choice average daily membership equivalent of the private school by the
18 total number of pupils for whom payments are being made under sub. (4).

19 (4r) If, after the 3rd Friday in September in any school year, a private school
20 participating in the program under this section closes, for each installment under
21 sub. (4) (c) that was not paid to the private school in that school year, the state
22 superintendent shall pay to the board, from the appropriation under s. 20.255 (2) (fv),
23 the amount determined, for each pupil who had been attending the private school
24 under this section in that school year and who enrolls in the school district operating
25 under this chapter in that school year, as follows:

1 (a) Multiply the amount determined under sub. (4) (b) by 0.616.

2 (b) Multiply the product under par. (a) by 0.25.

3 **(5)** The state superintendent shall ensure that pupils and parents and
4 guardians of pupils who reside in the Green Bay Area Public School District are
5 informed annually of the private schools participating in the program under this
6 section.

7 **(6)** The school board of the Green Bay Area Public School District shall provide
8 transportation to pupils attending a private school under this section if required
9 under s. 121.54 and may claim transportation aid under s. 121.58 for pupils so
10 transported.

11 **(6m)** Each private school participating in the program under this section shall
12 do all of the following:

13 (a) Provide to each pupil, or the parent or guardian of each minor pupil, who
14 applies to attend the private school all of the following:

15 1. The name, address, and telephone number of the private school and the
16 name of one or more contact persons at the school.

17 2. A list of the names of the members of the private school's governing body and
18 of the private school's shareholders, if any.

19 3. A notice stating whether the private school is an organization operated for
20 profit or not for profit. If the private school is a nonprofit organization, the private
21 school shall also provide the applicant with a copy of the certificate issued under
22 section 501 (c) (3) of the Internal Revenue Code verifying that the private school is
23 a nonprofit organization that is exempt from federal income tax.

24 4. A copy of the appeals process used if the private school rejects the applicant.

25 5. A copy of the policy developed by the private school under s. 118.33 (1) (f) 2g.

1 6. A copy of the nonharassment policy used by the private school, together with
2 the procedures for reporting and obtaining relief from harassment.

3 7. A copy of the suspension and expulsion policies and procedures, including
4 procedures for appealing a suspension or expulsion, used by the private school.

5 8. A copy of the policy used by the private school for accepting or denying the
6 transfer of credits earned by a pupil attending the private school under this section
7 for the satisfactory completion of coursework at another school.

8 9. A copy of the policy governing visitors and visits to the private school,
9 developed as required under sub. (7) (b) 2m.

10 (b) Annually, by August 1st, provide to the department the material specified
11 in par. (a) and all of the following information:

12 1. The number of pupils attending the private school under this section in the
13 previous school year.

14 2. The number of pupils attending the private school other than under this
15 section in the previous school year.

16 3. For each of the previous 5 school years in which the private school has
17 participated in the program under this section, all of the following information:

18 a. The number of pupils who attended the private school under this section and
19 other than under this section in the 12th grade and the number of those pupils who
20 graduated from the private school.

21 b. The number of pupils who attended the private school under this section and
22 other than under this section in the 8th grade and the number of those pupils who
23 advanced from grade 8 to grade 9.

1 c. The number of pupils who attended the private school under this section and
2 other than under this section in the 4th grade and the number of those pupils who
3 advanced from grade 4 to grade 5.

4 d. To the extent permitted under 20 USC 1232g and 43 CFR part 99, pupil
5 scores on all standardized tests administered under sub. (7) (e).

6 4. A copy of the academic standards adopted under sub. (7) (b) 2.

7 (c) Provide to the department a signed statement from each individual who is
8 a member of the private school's governing body verifying that the individual is a
9 member of the governing body.

10 (d) Upon request by any pupil, or the parent or guardian of any minor pupil,
11 who is attending or who applies to attend the private school, provide the material
12 specified in pars. (a) and (b).

13 **(7) (a)** Each private school participating in the program under this section shall
14 meet at least one of the following standards:

15 1. At least 70 percent of the pupils in the program advance one grade level each
16 year.

17 2. The private school's average attendance rate for the pupils in the program
18 is at least 90 percent.

19 3. At least 80 percent of the pupils in the program demonstrate significant
20 academic progress.

21 4. At least 70 percent of the families of pupils in the program meet parent
22 involvement criteria established by the private school.

23 (am) Each private school participating in the program under this section is
24 subject to uniform financial accounting standards established by the department.
25 Annually by September 1 following a school year in which a private school

1 participated in the program under this section, the private school shall submit to the
2 department all of the following:

3 1. An independent financial audit of the private school conducted by an
4 independent certified public accountant, accompanied by the auditor's statement
5 that the report is free of material misstatements and fairly presents pupil costs
6 under sub. (4) (b) 1. The audit under this subdivision shall be limited in scope to those
7 records that are necessary for the department to make payments under subs. (4) and
8 (4m). The auditor shall conduct his or her audit, including determining sample sizes
9 and evaluating financial viability, in accordance with the auditing standards
10 established by the American Institute of Certified Public Accountants. The
11 department may not require an auditor to comply with standards that exceed the
12 scope of the standards established by the American Institute of Certified Public
13 Accountants.

14 2. Evidence of sound fiscal and internal control practices, as prescribed by the
15 department by rule. An auditor engaged to evaluate the private school's fiscal and
16 internal control practices shall conduct his or her evaluation, including determining
17 sample sizes, in accordance with attestation standards established by the American
18 Institute of Certified Public Accountants.

19 (b) Each private school participating in the program under this section shall
20 do all of the following:

21 1. Administer to any pupils attending the 3rd grade in the private school under
22 this section a standardized reading test developed by the department.

23 2. Adopt the pupil academic standards required under s. 118.30 (1g) (a) 5.

24 2m. Develop a written policy governing visitors and visits to the private school.

1 3. Ensure that any teacher's aide employed by the private school has graduated
2 from high school, been granted a declaration of equivalency of high school
3 graduation, or been issued a general educational development certificate of high
4 school equivalency.

5 3m. Annually, schedule 2 meetings at which members of the governing body of
6 the private school will be present and at which pupils, and the parents or guardians
7 of pupils, applying to attend the private school or attending the private school may
8 meet and communicate with the members of the governing body. The private school
9 shall, within 30 days after the start of the school term, notify the department in
10 writing of the scheduled meeting dates and shall, at least 30 days before the
11 scheduled meeting date, notify in writing each pupil, or the parent or guardian of
12 each minor pupil, applying to attend the private school or attending the private
13 school of the meeting date, time, and place.

14 4. Maintain progress records for each pupil attending the private school under
15 this section while the pupil attends the school and, except as provided under subd.
16 7., for at least 5 years after the pupil ceases to attend the school.

17 5. Upon request, provide a pupil or the parent or guardian of a minor pupil who
18 is attending the private school under this section with a copy of the pupil's progress
19 records.

20 6. Issue a high school diploma or certificate to each pupil who attends the
21 private school under this section and satisfactorily completes the course of
22 instruction and any other requirements necessary for high school graduation.

23 7. a. Except as provided in subd. 7. b., if the private school ceases operating as
24 a private school, immediately transfer all of the progress records of the pupils who
25 attended the school under this section to the school board of the Green Bay Area

1 Public School District. The private school shall send written notice to each pupil, or
2 to the parent or guardian of a minor pupil, of the transfer of progress records under
3 this subd. 7. a.

4 b. If the private school is affiliated with an organization that will maintain the
5 progress records of each pupil who attended the school under this section for at least
6 5 years after the private school ceases operation as a private school, the private
7 school may transfer a pupil's records to the organization if the pupil, or the parent
8 or guardian of a minor pupil, consents in writing to the release of the progress records
9 to the affiliated organization. The private school shall send to the department a copy
10 of the consent form for each pupil who consents to the transfer of progress records
11 under this subd. 7. b. The written notice shall be signed by the pupil, or the parent
12 or guardian of a minor pupil, and shall include the name, phone number, mailing
13 address, and other relevant contact information of the organization that will
14 maintain the progress records, and a declaration by the affiliated organization that
15 the organization agrees to maintain the progress records for at least 5 years after the
16 private school ceases operation as a private school.

17 (c) A private school may not require a pupil attending the private school under
18 this section to participate in any religious activity if the pupil's parent or guardian
19 submits to the pupil's teacher or the private school's principal a written request that
20 the pupil be exempt from such activities.

21 (d) By August 1 before the first school term of participation in the program, or
22 by May 1 if the private school begins participating in the program during summer
23 school, each private school participating in the program under this section shall
24 submit to the department all of the following:

25 1. a. In this subdivision, "municipality" has the meaning given in s. 5.02 (11).

1 b. A copy of the school's current certificate of occupancy issued by the
2 municipality within which the school is located. If the private school moves to a new
3 location, the private school shall submit a copy of the new certificate of occupancy
4 issued by the municipality within which the school is located to the department
5 before the attendance of pupils at the new location and before the next succeeding
6 date specified in s. 121.05 (1) (a). A temporary certificate of occupancy does not meet
7 the requirement of this subdivision.

8 2. Evidence of financial viability, as prescribed by the department by rule.

9 3. Proof that the private school's administrator has participated in a fiscal
10 management training program approved by the department.

11 (e) Each private school participating in the program under this section shall
12 administer the examinations required under s. 118.30 (1v) to pupils attending the
13 school under the program. The private school may administer additional
14 standardized tests to such pupils.

15 (g) 1. By the first day of the 3rd month beginning after the month in which the
16 department establishes the model management plan and practices for maintaining
17 indoor environmental quality in public and private schools under s. 118.075 (3), or
18 by October 1 of a private school's first school year of participation in the program
19 under this section, whichever is later, the private school shall provide for the
20 development of a plan for maintaining indoor environmental quality in the private
21 school.

22 2. By the first day of the 12th month beginning after the month in which the
23 department establishes the model management plan and practices for maintaining
24 indoor environmental quality in public and private schools under s. 118.075 (3), or
25 by the beginning of the 2nd school year of participation in the program under this

1 section, whichever is later, the private school shall implement a plan for maintaining
2 indoor environmental quality in the private school.

3 3. Each private school participating in the program under this section shall
4 provide a copy of the plan implemented under subd. 2. to any person upon request.

5 (8) There is created a pupil assignment council composed of one representative
6 from each private school participating in the program under this section. Annually
7 by June 30, the council shall make recommendations to the participating private
8 schools to achieve, to the extent possible, a balanced representation of pupils
9 participating in the program under this section.

10 (9) If any accrediting agency specified under sub. (2) (a) 7. determines during
11 the accrediting or preaccrediting process that a private school does not meet all of the
12 requirements under s. 118.165 (1), it shall report that failure to the department.

13 (10) (a) The state superintendent may issue an order barring a private school
14 from participating in the program under this section in the current school year if the
15 state superintendent determines that the private school has done any of the
16 following:

17 1. Misrepresented information required under sub. (7) (d).

18 2. Failed to provide the notice or pay the fee required under sub. (2) (a) 3., or
19 provide the information required under sub. (7) (am) or (d), by the date or within the
20 period specified.

21 3. Failed to refund to the state any overpayment made under sub. (4) (b) or (4m)
22 by the date specified by department rule.

23 4. Failed to meet at least one of the standards under sub. (7) (a) by the date
24 specified by department rule.

25 5. Failed to provide the information required under sub. (6m).

1 6. Failed to comply with the requirements under sub. (7) (b) or (c).

2 7. Violated sub. (7) (b) 4., 5., or 6.

3 (am) If the state superintendent determines that any of the following have
4 occurred, he or she may issue an order barring the private school from participating
5 in the program under this section in the following school year:

6 2. The private school's application for accreditation has been denied by the
7 accrediting organization.

8 3. The private school has not achieved accreditation within the period allowed
9 under sub. (2) (a) 7.

10 (b) The state superintendent may issue an order immediately terminating a
11 private school's participation in the program under this section if he or she
12 determines that conditions at the private school present an imminent threat to the
13 health or safety of pupils.

14 (c) Whenever the state superintendent issues an order under par. (a), (am), or
15 (b), he or she shall immediately notify the parent or guardian of each pupil attending
16 the private school under this section.

17 (d) The state superintendent may withhold payment from a private school
18 under subs. (4) and (4m) if the private school violates this section.

19 **(11)** The department shall do all of the following:

20 (a) Promulgate rules to implement and administer this section. The
21 department may not by rule establish standards under sub. (7) (am) that exceed the
22 standards established by the American Institute of Certified Public Accountants.

23 (b) Notify each private school participating in the program under this section
24 of any proposed changes to the program or to administrative rules governing the
25 program, including changes to application or filing deadlines but not including

1 changes to provisions governing health or safety, prior to the beginning of the school
2 year in which the change takes effect.

3 **SECTION 2533.** 119.04 (1) of the statutes is amended to read:

4 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
5 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
6 115.345, ~~115.361~~, 115.365 (3), 115.38 (2), 115.445, ~~115.45~~, 118.001 to 118.04, 118.045,
7 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145 (4),
8 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.225,
9 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.255, 118.258, 118.291, 118.30 to 118.43,
10 118.46, 118.51, 118.52, 118.55, 120.12 (5) and (15) to (27), 120.125, 120.13 (1), (2) (b)
11 to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.14, 120.21 (3),
12 and 120.25 are applicable to a 1st class city school district and board.

13 **SECTION 2536.** 119.23 (2) (a) (intro.) of the statutes is amended to read:

14 119.23 (2) (a) (intro.) ~~Subject to par. (b), any~~ Any pupil in grades kindergarten
15 to 12 who resides within the city may attend, ~~at no charge, any private school located~~
16 ~~in the city~~ if all of the following apply:

17 **SECTION 2536c.** 119.23 (2) (a) 1. of the statutes is renumbered 119.23 (2) (a) 1.

18 a. and amended to read:

19 119.23 (2) (a) 1. a. The pupil is a member of a family that has a total family
20 income that does not exceed an amount equal to ~~1.75~~ 3.0 times the poverty level
21 determined in accordance with criteria established by the director of the federal
22 office of management and budget. In this subdivision and sub. (3m), family income
23 includes income of the pupil's parents or legal guardians. The family income of the
24 pupil shall be determined as provided in subd. 1. b. A pupil attending a private school
25 under this section whose family income increases may continue to attend a private